

# FISCAL NOTE

**Bill #:** HB0140

**Title:** Revise third or subsequent DUI penalties

**Primary Sponsor:** Harris, C

**Status:** As Introduced

<hr/> Sponsor signature	<hr/> Date	<hr/> Chuck Swysgood, Budget Director	<hr/> Date
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## Fiscal Summary

	<b><u>FY 2004 Difference</u></b>	<b><u>FY 2005 Difference</u></b>
<b>Expenditures:</b>		
General Fund	\$45,203	\$25,351
State Special Revenue	\$1,545	\$1,545
<b>Revenue:</b>		
General Fund	\$29,500	\$29,500
State Special Revenue	\$6,000	\$6,000
<b>Net Impact on General Fund Balance:</b>	<b>(15,703)</b>	<b>\$4,149</b>

- |   |  |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact    | <input checked="" type="checkbox"/> Technical Concerns           |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           |
| <input type="checkbox"/> Dedicated Revenue Form Attached  | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

## Fiscal Analysis

### ASSUMPTIONS:

#### **Montana Highway Patrol**

##### Vehicle Forfeiture Section

1. The Montana Highway Patrol (MHP) receives very few vehicles because lien holders and innocent persons have access to recovery first. The judge determines who gets the vehicle.
2. In 2002, the MHP received three vehicles.
3. The vehicles the MHP receives are worth \$2,000 when sold or auctioned because they are typically seven to ten years old, worn, and have no liens.
4. Total revenue will be \$6,000. (3 x \$2,000)
5. The expenses will be \$515 per vehicle. (\$75 to tow; \$240 to store; and \$200 to sell)
6. Total expenses are \$1,545. (3 x \$515)
7. The net increase in revenue will be \$4,455, which will go to the Attorney General's drug forfeiture fund. (\$6,000 - \$1,545).

##### Revoked License Section

8. Under the provisions of this bill, the MHP will issue an additional 236 citations per year.
9. A fine is \$250 per citation.

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10. The total amount collected will be \$59,000. ( $250 \times 236 = \$59,000$ )
11. The statute requires a minimum two-day sentence.
12. The MHP pays an average of \$53.71 per day to local governments for jail costs.
13. The costs total \$25,351. ( $236 \times 2 = 472$  days) ( $472 \times \$53.71 = \$25,351$ )
14. Fifty percent of the revenue or \$29,500 will go to local governments and fifty percent or \$29,500 will go to the state general fund.
15. The net difference to the state general fund will be (\$15,703) in FY 2004 and \$4,149 in FY 2005. ( $\$29,500 - \$25,351 - \$19,852 \text{ MVD} = (15,703)$ ) ( $\$29,500 - \$25,351 = \$4,149$ ).

**Motor Vehicle Division**

16. This bill requires "DUI" branding of the individual's drivers license if a probationary license is issued and if the license is not revoked. Division operating costs will increase approximately \$5,000 in FY 2004 for the contractor to provide the ability to brand any probationary driver license issued.
17. Administrative expense will increase by \$14,852 in FY 2004 to provide for programming and system changes to add new requirements, add new license types and create new, or modify existing letters.
18. These total \$19,852 in operating expenses for FY 2004 in the Motor Vehicle Division.

FISCAL IMPACT:

<b>Department of Justice</b>	<b>FY 2004 <u>Difference</u></b>	<b>FY 2005 <u>Difference</u></b>
<b>Motor Vehicle Division</b>		
<u>Expenditures:</u>		
Operating Expenses	\$19,852	\$0
<u>Funding of Expenditures:</u>		
General Fund (01)	\$19,852	\$0
<b>Montana Highway Patrol</b>		
<u>Expenditures:</u>		
Operating Expenses	\$26,896	\$7,044
<u>Funding of Expenditures:</u>		
General Fund (01)	\$25,351	\$5,499
State Special Revenue (02)	<u>1,545</u>	<u>1,545</u>
TOTAL	\$26,896	\$7,044
<u>Revenues:</u>		
General Fund (01)	\$29,500	\$29,500
State Special Revenue (02)	6,000	6,000
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$15,703)	\$4,149
State Special Revenue (02)	4,455	4,455

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. Local governments will receive an additional \$29,500 in revenue each fiscal year from increased citations.

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TECHNICAL NOTES:

1. The language governing the revocation time periods for convictions under 61-5-205(1), MCA, (i.e., negligent homicide, any felony in the commission of which a motor vehicle is used, failure to stop and render aid, perjury or making a false affidavit, three reckless driving within one year convictions, negligent vehicular assault) and the duration which is governed by 61-5-208(4) is stricken by this bill.
2. No standards nor rulemaking authority are provided within this proposed legislation to guide the Motor Vehicle Division which is authorized to revoke the driver's license of an individual convicted of a third or subsequent DUI/BAC offense for a period of one to 20 years.
3. Section 1 (61-2-302(2)(b)), MCA, is unclear regarding the eligibility of individuals to participate in the driver rehabilitation and improvement program if they are subject to a two-year revocation period.